COURT NO.3

Criminal Revision no. 1266 of 1986(Old number)
452 of 2001 (New Number)

Gopal Singh ----------Revisionist

Versus

State ----------Respondent

Hon'ble Irshad Hussain J.

This revision has been preferred against the judgment and order dated 19.6.1986 passed by the Sessions Judge, Nainital, dismissing the appeal of the revisionist and affirming the conviction and sentence as awarded by the court below for the offence punishable under section 324 IPC. The revisionist was sentenced to undergo rigorous imprisonment for six months.

Heard Sri D.S.Rawat counsel for the revisionist and Sri D.K.Sharma, A.G.A.

The learned counsel for the revisionist has confined his argument only on the point of sentence and he has not dispute the findings of guilt recorded against the revisionist.

It has been submitted that the incident took place on 28.7.1982 and the revisionist and the victim Pan Singh are relatives and neighbors and they have been residing peacefully thereafter the incident and after the revisionist came to be released on bail by the order of the court on filing of the revision against the appellate court's judgment. Attention was also drawn to the medical examination report which is to the effect that only one injury was sustained on the back and regarding which the Medical Officer Dr. B.S.Pangti (P.W.4) gave out that the injury was not dangerous and in no case it could have been fatal for the victim. Considering these circumstances, the learned counsel for the revisionist submitted that the ends of justice will be satisfied if the sentence is reduced to the period already undergone.

Having considered the above submissions in the light of the material on record and particularly the long lapse of period of about 20 years, I feel inclined to accept the submission of the learned counsel for the revisionist.

The revision is thus partly allowed. The conviction of the revisionist under section 324 IPC as recorded by the court below and upheld by the appellate court is affirmed. However, the sentence awarded is reduced to the period already undergone by the revisionist.

Considering this, the revisionist need not surrender to his bail bonds, which are hereby cancelled, and the sureties are discharged.

(Irshad Hussain J.)

06.09.2002
MPS